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NOTES OF CASES.

MARRIAGE AND DIVORCE—PLEADING.—Adultery of plaintiff is held, in *Decker v. Decker* (Ill.), 55 L. R. A. 697, to be properly set up in the answer in a proceeding for divorce for cruelty and impotency, and it is not necessary to file a cross bill for that purpose.

MARRIAGE AND DIVORCE—ADULTERY SUBSEQUENT TO DECREE A MENSA. Subsequent adultery of a wife is held, in *Cariens v. Cariens* (W. Va.), 55 L. R. A. 930, to discharge the husband from the payment of alimony awarded to the wife under a decree of divorce *a mensa et thoro*.

MINES AND MINERALS—WASTE.—The opening of mines and mining of coal by the owner of a determinable fee in property of which the coal constitutes the chief value is held in *Gannon v. Peterson* (Ill.), 55 L. R. A. 701, not to be such waste as can be enjoined by the owners of the expectancy, who claim under an executory devise.

MASTER AND SERVANT—TORT OF SERVANT—SCOPE OF EMPLOYMENT.—The act of a servant of a railroad company instructed to watch a station and catch burglars, in mistaking a coemployee for a burglar and shooting him through want of proper care is held, in *Lipscomb v. Houston & T. C. R. R. Co.* (Tex.), 55 L. R. A. 869, to render the company liable.

MUNICIPAL CORPORATIONS—SURFACE WATER.—The gathering of surface water from the streets of a township, and turning it out of its course in such quantities that the gutters are inadequate to carry it, so that it overflows and injures private property in the vicinity, is held, in *McAskill v. Hancock* (Mich.), 55 L. R. A. 738, to render the township liable.

MONOPOLIES—CONSPIRACY—RIGHT OF ACTION.—A retail coal dealer injured by a combination between wholesalers and favored retailers to monopolize the business, enhance prices, and drive other retailers out of the business, is held in *Hawarden v. Youghiogheny L. Coal Co.* (Wis.), 55 L. R. A. 828, to have a right of action against the conspirators for the damages caused thereby.

LIBEL BY CORPORATION—EXPIRATION OF CHARTER.—An action for libel against a corporation, which abates by the expiration of the corporate charter, is held, in *Shayne v. Evening Post Pub. Co.* (N. Y.), 55 L. R. A. 777, to be properly revived against the trustees of the dissolved corporation in office at the time of dissolution.

See Va. Code, sec. 1103.

ANIMALS—INJURY BY DOGS.—That an assault committed by a dog in jumping upon a stranger and injuring him resulted merely from its mischievous or playful propensity is held, in *Crowley v. Groonell* (Vt.), 55 L. R. A. 876, not to